

AGK

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.2974 OF 2025

1) Rajendra Bhagelu Rai ... Applicants

2) Akash Kumar Ganesh Yadav

V/s.

The State of Maharashtra

... Respondent

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GANESH
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Mr. Arun Rajput for the applicants.

Mrs. Shilpa G. Talhar, APP for the State.

Mr. Suryawanshi, PSI, Manpada Police Station, is present.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 4, 2025

P.C.:

1. The applicant has approached this Court seeking protection from arrest in relation to Crime Register No. 1136 of 2025 registered at Manpada Police Station for offences under Sections 118(1), 118(2), 115(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023. The request is made under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. As per the prosecution, a domestic quarrel took place in the informant's house on 26 September 2025 at about 00.30 hours. The quarrel escalated. Both applicants allegedly assaulted the informant and his mother. The mother of the informant was

allegedly beaten with an iron pan and a leather belt. She suffered several bleeding injuries. The informant was also assaulted and bitten. Based on these allegations, the present crime came to be registered with Manpada Police Station.

3. Learned counsel for the applicants submits that the applicants have not committed any offence. He submits that the applicants are falsely implicated. A minor domestic dispute has been enlarged into a serious criminal case. It is submitted that the mother of the informant fell during the scuffle and suffered injuries. According to the applicants, the informant and his mother were mishandling the pension amount of applicant Rajendra. When confronted, they lodged a false complaint. Counsel submits that nothing remains to be recovered from the applicants. Applicant No. 1 is a senior citizen aged 76 years. The applicants are willing to cooperate with the investigation. They are ready to follow any conditions that may be imposed. A request is made to allow the application.

4. The learned APP opposes the application. It is submitted that both applicants actively participated in the assault. They allegedly used an iron pan and a leather belt as weapons. The injuries sustained by the informant's mother are stated to be grievous. The record shows seven to eight bite marks on her neck, shoulder, upper chest and head. Photographs indicate a severe assault. The CT scan reveals a posterior parietal scalp hematoma attributed to applicant No. 2. There was active bleeding from facial wounds. The prosecution asserts that custodial presence of the applicants is necessary for proper investigation. A prayer is made to reject the

application.

5. Having considered the material placed on record, the rival submissions and the nature of the allegations, the following reasons arise for deciding the applications of both applicants separately.

6. Applicant No. 1 is a senior citizen aged about seventy six years. The prosecution record does not indicate any specific overt act attributed to him that is likely to cause grievous hurt. The medical papers show serious injuries suffered by the mother of the informant. However, the role of Applicant No. 1 in causing those injuries is not clearly established at this stage. The allegations against him appear general in nature. There is no material to suggest that he used any weapon or that his custodial interrogation is indispensable for recovery of any article or for unfolding the prosecution case. He has roots in society. There is no likelihood that he will abscond. He has expressed willingness to cooperate with investigation and to obey conditions. In these circumstances, continued custodial threat is not warranted. Grant of protection to Applicant No. 1 will not prejudice the investigation. Bail to Applicant No. 1 is therefore justified.

7. The case of Applicant No. 2 stands on a different footing. The prosecution has placed photographs and medical papers indicating serious injuries suffered by the mother of the informant. There are multiple bite marks on her body. The CT scan records a posterior parietal scalp hematoma. The prosecution specifically attributes these injuries to Applicant No. 2. The use of an iron pan

alleged against him. The nature of injuries suggests a high degree of violence. At this stage, the presence of Applicant No. 2 with the police is necessary to ascertain the manner of assault and to verify the version of the informant. The role attributed is direct and specific. Custodial interrogation appears necessary to complete the investigation. Grant of pre arrest bail to Applicant No. 2 in such circumstances will hamper the investigation. The seriousness of the injuries and the active role assigned to him disentitle him to relief.

8. For these reasons, the application of Applicant No. 1 deserves to be allowed with suitable conditions. The application of Applicant No. 2 requires rejection.

9. Hence, following order is passed:

(a) The application is partly allowed;

(b) In the event of arrest of the applicant No. 1 - Rajendra Bhagelu Rai in connection with Crime Register No. 1136 of 2025 registered at Manpada Police Station for offences under Sections 118(1), 118(2), 115(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, he shall be released on bail on furnishing personal bond of Rs. 10,000 with one or more sureties in the like amount.

(c) The applicant No. 1 shall cooperate with the investigation and attend the concerned Police Station as and when called.

(d) The applicant No. 1 shall not tamper with evidence or influence witnesses.

10. The anticipatory bail application of applicant No. 2 is rejected.

11. The anticipatory bail application stands disposed of in above terms.

(AMIT BORKAR, J.)